

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

KENTON L. CARR,

Plaintiff,

vs.

NANCY A. BERRYHILL,  
Acting Commissioner, Social Security  
Administration,

Defendant.

Case No. 17-CV-72-JED-FHM

**OPINION AND ORDER**

By Opinion and Order dated December 1, 2017, Counsel for Plaintiff was ordered to provide the court a response on or before December 8, 2017 containing an explanation of the following:

- 1) why there have been so many missed briefing deadlines in the cases handled by his firm;<sup>1</sup>
- 2) what measures have been taken to rectify the problem of untimely filing of briefs;<sup>2</sup> and
- 3) what measures will be taken going forward to prevent such lapses.

[Dkt. 12]. The due date has passed, and counsel has not filed a response. Instead, counsel filed a motion to dismiss, which is not an adequate response to the court's directive.

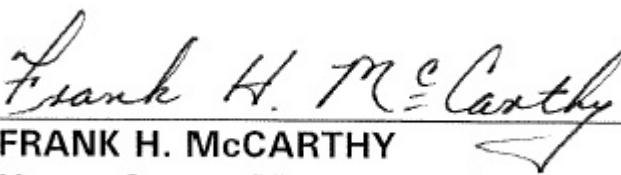
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<sup>1</sup> *McCombs v. Berryhill*, 16-CV-547-GKF-FHM (show cause order entered, brief filed); *Vesper-Hogan v. Berryhill*, 16-CV-608-JED-FHM (show cause order entered, case dismissed by Plaintiff); *Shellenbarger v. Berryhill*, 16-CV-706-JHP-FHM (show cause order entered, additional time requested, brief filed); *Sattar v. Berryhill*, 16-CV-441-CVE-FHM(brief due 7/27/2017, no brief filed, show cause order entered, case dismissed by Plaintiff); *Crowder v. Berryhill*, 16-CV-727-GKF-FHM (brief due 7/21/2017, motion to file out of time dated August 9, 2017, brief filed); *Robinson v. Berryhill*, 17-CV-16-CVE-FHM (brief due 7/5/2017, no brief filed, case dismissed by Plaintiff); *Bennett v. Berryhill*, 17-CV-34-CVE-FHM (brief due 7/5/2017, no brief filed, show cause order entered, brief filed).

<sup>2</sup> There are currently three of Attorney Timothy White's cases on the undersigned's docket where the date for filing the opening brief has passed: *Hodkin v. Berryhill*, 17-CV-144-TCK-FHM (brief due 11/21/2017); *Yount v. Berryhill*, 17-286-GKF-FHM (brief due on 12/26/2017); *Washington v. Berryhill*, 17-CV-191-CVE-FHM (one extension of time granted, brief due on 12/29/2017).

Attorney Timothy White is hereby required to appear before the court on Thursday, February 1, 2018 at 10:00 A.M. in Courtroom No. 2 on the third floor of the Page Belcher Federal Building, 333 West 4th Street, Tulsa, Oklahoma. Counsel is to be prepared to address the topics listed above.

SO ORDERED this 3rd day of January, 2018.

  
FRANK H. McCARTHY  
UNITED STATES MAGISTRATE JUDGE